

### **REMARKS**

Reconsideration of the application is respectfully requested.

#### **I. Status of the Claims**

Claims 1 - 6 are presently pending. Claims 1, 2 and 4 are amended. No new matter is introduced. Support for the amendments may be found, for example, with reference to Applicant's specification at page 14, lines 13 through page 19, line 12.

#### **II. Information Disclosure Statement**

The Examiner indicates that the Information Disclosure Statement (IDS) mailed April 4, 2005 fails to comply with 37 C.F.R. 1.98(a)(3) because it fails to provide a concise explanation of the relevance of cited reference JP 57-117655, which is published in a foreign language (Japanese). Applicants file a Supplemental IDS disclosing US 4,333,466 which is published in the English language and is an equivalent document upon which JP 57-117655 is based. Applicants respectfully request that the Examiner therefore consider US 4,333,466.

#### **II. Claim Rejections under 35 U.S.C. §§ 102, 103**

Claims 1 - 6 are rejected under 35 U.S.C. §102(b) as being anticipated by Brisebois et al. (U.S. Patent No. 6,312,416, herein "Brisebois"). Applicants amend claims 1, 2 and 4 to further clarify the nature of their invention, and respectfully traverse the rejection of claims 1 - 6 under 35 U.S.C. §102(b).

In amended independent claim 1, Applicants claim:



The article further includes a rear flexible portion, which is produced by recessing the absorbent layer from the garment surface toward the skin surface. The rear flexible portion is provided at least in part along the longitudinal centerline and between the substantially parallel compressed grooves, and has a starting point that begins at a point between the lateral reference line and a rear edge of the article.

Brisebois discloses a sanitary napkin 20 including and absorbent layer 44, 48 having a skin side and a garment side (see, e.g., Col. 3: 14 - 20 of Brisebois). The absorbent layer 48 further includes bending zones 102, 104, 700 extending longitudinally over the absorbent layer 48 (see, e.g., Col. 11: 51 - 61 and FIGs. 7, 8 of Brisebois). Bending zone 700 extends along a longitudinal axis of the absorbent layer 48, and bending zones 102, 104 are each located on a single side of the longitudinal centerline.

In sharp contrast to Applicants' invention as claimed in amended independent claim 1, Brisebois does not disclose or otherwise suggest Applicants' range comprising an equal distance forward and rearward from a lateral reference line, within which compressed grooves (bending zones 102, 104) curve inwardly such that a separation distance between the compressed grooves is smallest at a point within the range. Rather, Brisebois suggests that the bending zones 102, 104, 700 extend linearly either along or laterally from a longitudinal centerline of the sanitary napkin in order to enable the napkin to be folded into a "three-dimensional deformation profile" that resembles either an "M" or a "W" (see, e.g., Col. 11: 36 - 40 of Brisebois).

In addition, unlike Applicants' invention as claimed in amended independent claim 1, Brisebois fails to teach or otherwise suggest that the bending zone 700 extends rearward from a starting point between the lateral reference line and the rear edge of the napkin. Rather, Brisebois

suggests that bending zone 700 “extends the full length of the ... absorbent layer” (see, e.g., Col. 11: 58, 59 of Brisebois).

The sanitary napkin of Brisebois provides an “M” or “W” profile on deformation in order to improve the comfort of the wearer and reduce bunching (see, e.g., abstract of Brisebois).

Applicants developed their claimed napkin for a distinctly different purpose:

When a pressure acts on the compressed grooves from the thighs, since the rear flexible portion does not overlap with the lateral reference line that is intended to face the vaginal opening of a wearer, the absorbent article can be pressed against the wearer's vaginal opening without being sharply bent at its portion intended to face the vaginal opening. In its rear portion, on the other hand, since at least a portion of the rear flexible portion is located between the compressed grooves, the portion having the rear flexible portion can be bent to fit into the cleft of the buttocks by the pressure acting on the compressed grooves from the thighs. Accordingly, even if a relatively loose undergarment is worn, the absorbent article can be brought into close contact not only with the vaginal opening but also with the cleft of the buttocks by the pressure from the thighs.

(Page 6, lines 9 -22 of Applicants' specification, emphasis added).

Clearly, the bending zones 102, 104, 700 as configured by Brisebois do not operate to cause a portion of the sanitary napkin of Brisebois near the lateral reference line to press against the vaginal opening of a wearer without bending while causing a rear flexible portion to be bent to be fit into the cleft of the buttocks.

For at least the above-argued reasons, Applicants respectfully submit that amended independent claim 1 is neither anticipated nor made obvious by Brisebois, and stands in condition for allowance. As claims 2 - 6 depend from allowable independent claim 1, Applicants further submit that dependent claims 2 - 6 are also allowable for at least this reason.


Therefore, Applicants respectfully request that the rejections of claims 1 - 6 under 35 U.S.C. §102(b) be withdrawn.

**CONCLUSION**

In view of the above amendments and remarks, Applicant believes the pending application is in condition for allowance. If there are any remaining issues which the Examiner believes could be resolved through either a Supplemental Response or an Examiner's Amendment, the Examiner is respectfully requested to contact the undersigned at the telephone number indicated below.

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Respectfully submitted,

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